

16-08-080 Handicapped Residential Facilities in Areas Zoned Exclusively for Single-Family Dwellings.

1. For the purpose of this section:
 - a. No person who is being treated for alcoholism or drug abuse may be placed in a residential facility for handicapped persons;
 - b. No person who is violent may be placed in a residential facility for handicapped persons; and
 - c. Placement in a residential facility for handicapped persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.
2. Subject to granting of a conditional use permit, a residential facility for handicapped persons shall be allowed in any municipal zoning district that is zoned to permit exclusively single-family dwelling use, if that facility:
 - a. Conforms to all applicable health, safety, zoning, and building codes;
 - b. Is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character; and
 - c. Conforms to the county's criteria, adopted by ordinance, governing residential facilities for handicapped persons in areas zoned to permit exclusively single-family dwellings.
3. A county may, by ordinance, provide that no residential facility for handicapped persons be established within three-quarters mile of another existing residential facility for handicapped persons.
4. The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than a residential facility for handicapped persons or, if the structure fails to comply with applicable health, safety, and building codes.
5. Municipal ordinances shall prohibit discrimination against handicapped persons and against residential facilities for handicapped persons.
 - a. The decision of a county regarding the application for a permit by a residential facility for handicapped persons must be based on legitimate land use criteria and may not be based on handicapping condition of the facility's residents.